

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

OTSUKA PHARMACEUTICAL CO., LTD.,

Plaintiff,

v.

ALKEM LABORATORIES LIMITED, et al.,

Defendants.

Civil Action No.: 1:15-cv-08305-JBS-KMW

Civil Action No.: 1:16-cv-06067-JBS-KMW

STIPULATED CONSENT JUDGMENT AND INJUNCTION

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff Otsuka Pharmaceutical Co. Ltd. and Defendants Alkem Laboratories Limited and Ascend Laboratories, LLC, through their undersigned counsel of record, that:

1. Plaintiff has asserted claims of infringement of U.S. Patent No. 8,017,615 (“the ’615 patent”), U.S. Patent No. 8,580,796 (“the ’796 patent”), U.S. Patent No. 8,642,760 (“the ’760 patent”) and U.S. Patent No. 9,359,302 (“the ’302 patent”) (collectively, the “Otsuka Patents”) against Alkem in the present actions.

2. Plaintiff has alleged that the Otsuka Patents would be infringed by any manufacture, sale, offer for sale, use or importation in the United States of the generic product that is the subject of Defendants’ Abbreviated New Drug Application (“ANDA”) No. 207105.

3. Defendants and anyone acting on the behalf of any of Defendants, except as expressly licensed by Plaintiff, will be enjoined until expiration of the Otsuka Patents from (i) making, using, offering to sell, selling or importing any aripiprazole tablet product pursuant to Alkem’s ANDA No. 207105 in the United States; (ii) participating in the profits from making,

using, offering to sell, selling or importing any aripiprazole tablet product pursuant to Alkem's ANDA No. 207105 in the United States; and (iii) indemnifying others with respect to any making, using, offering to sell, selling or importing any aripiprazole tablet product in the United States.

4. Each party will bear its own attorneys' fees and costs.

5. This Court will retain jurisdiction to enforce this Consent Judgment and Injunction and the parties' related agreements resolving this matter.

Date August 17, 2017


Respectfully submitted,

<p><u>s/ Melissa A. Chuderewicz</u> Melissa A. Chuderewicz PEPPER HAMILTON LLP <i>(A Pennsylvania Limited Liability Partnership)</i> Suite 400 301 Carnegie Center Princeton, New Jersey 08543-5276 (609) 452-4808 chuderem@pepperlaw.com</p> <p>Of counsel: James B. Monroe Paul W. Browning Eric J. Fues Denise Main FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP 901 New York Avenue, N.W. Washington, DC 20001-4413 (202) 408-4000</p> <p><i>Attorneys for Plaintiff and Counterclaim-Defendant Otsuka Pharmaceutical Co., Ltd.</i></p>	<p><u>s/ Stamatios Stamoulis</u> Stamatios Stamoulis #01790-1999 STAMOULIS & WEINBLATT LLC Two Fox Point Centre 6 Denny Road, Suite 307 Wilmington, DE 19809 (302) 999-1540 stamoulis@swdelaw.com</p> <p>Of counsel: Shashank Upadhye Joseph E. Cwik Erin R. Conway Adam D. Sussman, Ph.D. AMIN TALATI & UPADHYE LLP 100 S. Wacker Dr., Suite 2000 Chicago, IL 60606 (312) 466-1033 shashank@amintalati.com joe@amintalati.com erin@amintalati.com adam@amintalati.com</p> <p><i>Attorneys for Defendants and Counterclaim-Plaintiffs Alkem Laboratories Limited and Ascend Laboratories, LLC</i></p>
--	---

ORDER

SO ORDERED:

This 22nd day of August, 2017


JEROME B. SIMANDLE
UNITED STATES DISTRICT JUDGE